

## REMARKS

This Response is submitted in reply to the non-final Office Action mailed on May 16, 2007. The Director is authorized to charge any additional fees which may be required, or to credit any overpayment to Deposit Account No. 02-1818. If such a withdrawal is made, please indicate the Attorney Docket No. 112703-201 on the account statement.

Claims 8-20 are pending in this application. Claims 1-7 and 21-35 were previously withdrawn. In the Office Action, Claims 8-20 are rejected under 35 U.S.C. §102 and 35 U.S.C. §103. For the reasons set forth below, Applicants respectfully submit that the rejections should be withdrawn.

In the Office Action, Claims 8-20 are rejected under 35 U.S.C. §102(e) as being anticipated by either U.S. Patent No. 6,541,048 to Zyck et al. ("*Zyck #1*") or U.S. Patent No. 6,645,535 to Zyck et al. ("*Zyck #2*"). Applicants believe these rejections are improper and respectfully traverse them for at least the reasons set forth below.

Independent Claims 8 and 16 are directed, in part, to a product comprising a consumable tableted center and a coating comprising a medicament, wherein said coating surrounds the consumable, the coating comprising at least 50% by weight of the product. Applicants respectfully submit that the cited references fail to disclose every element of the present claims. "Consumable center" means that "a center is provided that can be ingested by the consumer. Unlike chewing gum, the consumable center is designed to dissolve in the mouth of the consumer and/or be swallowed." See, specification, page 9, lines 11-15. The consumable center can be "tableted" to a "precise size (within an acceptable range) depending on the medicament or agent and shape. This allows an accurate control of the coating as well as allows one to produce products having specific sizes and shapes." See, specification, page 9, lines 15-18. Moreover, "tablet" is defined as "a small flat pellet of medication to be taken orally." See, American Heritage Dictionary, Fourth Edition, 2000.

For example, *Zyck #1* fails to disclose or suggest a consumable tableted center as required, in part, by the present claims. Instead, *Zyck #1* is clearly directed to a coated chewing gum. See, for example, *Zyck #1*, Title; Abstract; Claim 1; column 2, lines 18-22; and Examples 1-6 and 23-29. Moreover, *Zyck #1* states that the term "chewing gum" includes bubble gum and all other types of chewing gum and that the gum base portion is retained in the mouth throughout the chew. See, *Zyck #1*, column 3, lines 3-5 and column 6, lines 6-7. By contrast, the present

claims recite a consumable center. As stated above, “consumable center” is specifically defined by Applicants and means that “a center is provided that can be ingested by the consumer. Unlike chewing gum, the consumable center is designed to dissolve in the mouth of the consumer and/or be swallowed.” See, specification, page 9, lines 11-15 (emphasis added).

Although the Patent Office alleges that *Zyck #1*, in line 3 of column 10, recites the consumable tableted center of the present claims, *Zyck #1* instead discloses that “sugar or sugarless gum center tablets to be coated are placed into a rotating pan to form a moving mass.” See, *Zyck #1*, column 10, lines 2-3.

Similar to *Zyck #1*, *Zyck #2* also fails to disclose or suggest a consumable tableted center as required, in part, by the present claims. Rather, *Zyck #2* is also directed to a coated chewing gum. Moreover, *Zyck #2* states, identically to *Zyck #1* that the term “chewing gum” includes bubble gum and all other types of chewing gum and that the gum base portion is retained in the mouth throughout the chew. See, *Zyck #2*, column 3, lines 23-25 and column 6, lines 38-39. Although the Patent Office alleges that *Zyck #2* recites the consumable tableted center of the present claims, *Zyck #2* instead discloses sugar or sugarless gum center tablets. See, *Zyck #2*, column 10, lines 36-37. In fact, the portions of *Zyck #1* and *Zyck #2* cited by Patent Office are identical.

In the Office Action, Claims 8-14 and 16-20 are rejected under 35 U.S.C. §102(e) as being anticipated by either U.S. Patent No. 6,627,234 to Johnson et al. (“*Johnson #1*”) or U.S. Patent No. 7,163,705 to Johnson et al. (“*Johnson #2*”). Applicants believe these rejections are improper and respectfully traverse them for at least the reasons set forth below.

Similar to the above *Zyck* references, *Johnson #1* and *Johnson #2* are both directed to a coated chewing gum and therefore fail to disclose or suggest a consumable tableted center as required, in part, by the present claims. Further, like the *Zyck* references above, both *Johnson* references state that the gum base portion of the chewing gum is retained in the mouth throughout the chew. See, *Johnson #1*, column 10, line 63 to column 11, line 2 and *Johnson #2*, column 9, lines 21-27.

As stated above, a consumable center is a center that can be ingested by the consumer and, unlike chewing gum, is designed to dissolve in the mouth of the consumer and/or be swallowed. See, specification, page 9, lines 11-15. Though the Patent Office alleges that both *Johnson* references recite the consumable tableted center of instant independent Claims 8 and 16

(See, Office Action, pages 2-3), *Johnson #1* recites a “chewing gum formulation which is then tableted and used as a core for a coated chewing gum.” See, *Johnson #1*, column 10, lines 54-59. Likewise, *Johnson #2* recites sugar or sugarless gum center tablets. *Johnson #2*, column 13, lines 50-52.

For at least the reasons discussed above, the cited art fails to teach, suggest, or even disclose every element of the present claims, and thus, fails to anticipate the claimed subject matter.

Accordingly, Applicants respectfully request that the anticipation rejections with respect to Claims 8-20 be reconsidered and the rejections be withdrawn.

In the Office Action, Claims 8-20 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 7,056,541 to Stahl (“*Stahl*”). Applicants believe this rejection is improper and respectfully traverse it for at least the reasons set forth below.

Applicants respectfully submit that *Stahl* fails to disclose every element of the present claims. For example, *Stahl* fails to teach, suggest, or disclose a consumable tableted center as required, in part, by the present claims. Rather, *Stahl*, as with all the previous cited references, is directed to a coated chewing gum. See, for example, Abstract and Claim 1. Though the Patent Office alleges that *Stahl* teaches a consumable tableted center of the present claims (See, Office Action, page 7), *Stahl*’s reference to “tablets” actually relates to forming a harder and a crunchy coating on a chewing gum. See, *Stahl*, column 1, lines 38-43. As stated above, “consumable center”, as used by Applicants, means that “a center is provided that can be ingested by the consumer. Unlike chewing gum, the consumable center is designed to dissolve in the mouth of the consumer and/or be swallowed.” See, specification, page 9, lines 11-15 (emphasis added).

Accordingly, Applicants respectfully request that the obviousness rejection with respect to Claims 8-20 be reconsidered and the rejection be withdrawn.

For the foregoing reasons, Applicants respectfully request reconsideration of the above-identified patent application and earnestly solicit an early allowance of same.

Respectfully submitted,

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